IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT APPEAL NO : 1714 of 2004

Writ Appeal under Clause 15 of the Letters Patent against the Order dated 09/03/2004 in WP NO : 23648 OF 1998 on the file of the High Court.

Between:

1 The Commissioner, Municipal Corporation of Hyderabad, Hyderabad.
2 The Project Officer, Urban Community Development Project, Secunderabad

Division, Municipal Corporation of Hyderabad, Hyderabad.
3 The Director, Urban Community Development, Municipal Corporation of

Hyderabad, Hyderabad.

..... APPELLANTS

AND

1 Smt.P.Mary Manoranjani, w/o P.Kumar,
r/o H.No.12-7-110, Mettuguda, Secunderabad.
2 The Govt. of A.P., rep., by its Additional Secretary, Municipal Administration

and Urban Development Dept., Secretariat, Hyderabad.

.....RESPONDENTS

Counsel for the Appellants: SMT.G.JYOTHI KIRAN

Counsel for the respondent No.1: Mr.D.Linga Rao.

Counsel for the Respondent No.2: GP FOR MUNCIPAL ADMINISTRATION & URBAN DEVELOPMENT

The Court at the admission stage made the following:

J U D G M E N T:

(Per the Hon'ble Sri Justice Goda Raghuram)

This writ appeal is directed against the order of a learned single Judge, dated 09.03.2004 in W.P.No.23648 of 1998 disposing of the writ petition directing consideration of the petitioner-first respondent herein for appointment as a Lower Division Typist or in any other equivalent post in terms of G.O.Ms.No.27 M.A (Q), dated 16.01.1991.

2. The writ petitioner joined as a voluntary worker in the office of the Project Officer, Urban Community Development Project, Secunderabad Division of the Municipal Corporation of Hyderabad in 1979 and had been working as Balawadi Teacher. It would appear that the Municipal Corporation labour employees union and some other unions of the Corporation employees exerted pressure and persuaded the Government for absorption of Balawadi workers into regular scales of pay. The Commissioner of Municipal Corporation of Hyderabad had also addressed a request to the State Government to exempt voluntary workers such as the writ petitioner from the employment exchange procedure so that they may be considered for appointment in existing and future vacancies of Municipal Corporation of Hyderabad in the category of L.D.Cs, L.D.typists, Bill Collectors, Record Assistants and the like in accordance with
their eligibility. The State government consequently issued G.O.Ms.No.27 M.A (Q), dated 16.01.1991 according exemption for 214 voluntary workers listed in the annexure to the G.O. from the requirement of sponsorship by the employment exchange so as to enable their consideration for appointment as L.D.Cs., L.D.typists, Bill Collectors, Record Assistants or in any other posts for which they are eligible in the existing and future vacancies. The name of the writ petitioner admittedly figures in the list of 214 voluntary workers set out in

the annexure to G.O.Ms.No.27 M.A (Q), dated 16.01.1991.

3. As the petitioner's request for absorption in terms of G.O.Ms.No.27 M.A (Q) was rejected by the order of the office of the first respondent dated 24.07.1998, the petitioner filed the writ petition.

4. The learned single Judge in view of the admitted position that the name of the petitioner also figured in the list of 214 voluntary workers appended to G.O.Ms.No.27 M.A (Q), directed consideration of the petitioner's case for appointment in terms of the said G.O.

5. Smt.G. Jyothi Kiran, learned counsel for the appellants submits that the petitioner was absent from duty as Balawadi worker since April, 1991 and had not submitted any proof of having submitted leave application or medical certificate when called for interview pursuant to the orders of the Government in G.O.Ms.No.27 M.A (Q) and therefore, as the petitioner was not on duty either on the date of issuance of the G.O. or on the date of interview for regular appointment, the petitioner is not eligible for regular appointment. This contention of the appellants does not recommend acceptance of this Court. The G.O. does not require active duty as on the date of G.O. for consideration for regular appointment. The said G.O. was issued to facilitate absorption into regular service of 214 enumerated voluntary workers of the Corporation on the basis of their longstanding past service.

6. In the circumstances and on the analysis of the facts in brief, we find no error in the interpretation of the G.O., application of law and exercise of discretion by the learned single Judge, warranting interference in this writ appeal.

7. The writ appeal is without merits and is accordingly dismissed at the stage of admission.

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J.CHELAMESWAR, J

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GODA RAGHURAM, J

Dated 04th November, 2004.

Ycr/mrk

To

1. The Commissioner, Municipal Corporation of Hyderabad, Hyderabad.
2. The Project Officer, Urban Community Development Project,

Secunderabad Division, Municipal Corporation of Hyderabad,

Hyderabad.
3. The Director, Urban Community Development, Municipal Corporation

of Hyderabad, Hyderabad.

4. 2 CCs to G.P. for Municipal Administration and Urban Development,

High Court Buildings, Hyderabad.(OUT)

5. 2 C.D. copies.